

PM-USA

TO: Geoff Bible
FROM: Ellen Merlo
SUBJECT: California Initiative

DATE: January 12, 1994

As requested, here is a summation of the steps that we will take in California over the next several weeks in order to achieve state-wide preemption with accommodation for smokers.

1. We will file a lawsuit on February 1st against the City of San Francisco over the jurisdictional issue of whether or not the City has the authority to ban workplace smoking. We will be a co-plaintiff along with local business people in this lawsuit and based on precedent and legal advice, we think we have an excellent chance of prevailing.
2. At the state level, we will create a flurry of legislative activity to confound the antis by introducing various bills and measures to put them on the defensive, including asking for an audit of the Proposition 99 trust fund, an investigation of political abuses of the Proposition 99 fund and a resolution to ask U.S. OSHA to establish Indoor Air Quality Standards within the state.
3. We will create the same level of local activity in cities like Anaheim, South San Francisco, Stockton, Palm Desert, Rancho Mirage, etc. by introducing smoking accommodation bills.
4. Finally, on or about January 17th, we will file a ballot initiative seeking a state preemption bill that provides for smoker accommodation. The Initiative will be filed by three independent business and/or association members. Simultaneous with our filing of the ballot initiative, we will conduct additional polling to ensure that we thoroughly probe voter reaction to this bill, which preliminary polling indicates we have a very good chance of winning.

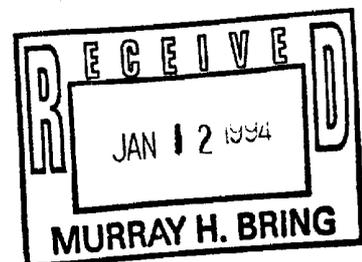
We will be tracking progress and updating the status of our polling results, as well as any feedback from legislative leadership, as we move through the initiative process.

If at any time during the process we 1) have the opportunity to reach a negotiated settlement through the Legislature for preemption and accommodation, we will do so; and 2) before we submit all signatures to move ahead with the ballot initiative, we will review and evaluate our chances for victory in light of the most current information obtainable.

You will be getting weekly updates as soon as we actually file the Initiative.

EM/kak

- cc M. Bring
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